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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,765	01/26/2001	Shunpei Yamazaki	12732-008001	7392

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EXAMINER

SCHILLINGER, LAURA M

ART UNIT PAPER NUMBER

2813

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/769,765

Applicant(s)

YAMAZAKI ET AL.

Examiner

Laura M Schillinger

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-24 and 48-78 is/are pending in the application.
- 4a) Of the above claim(s) 48-75 and 78 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-24 and 78 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

**This Office Action is in response to Amendment B, dated 8/25/03, in Paper No.15.**

#### *Election/Restrictions*

This application contains claimed 48-75 and 78 drawn to an invention nonelected with traverse in Paper No. 15. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Applicant continues to traverse the Examiner's restriction requirement, in Paper No. 15, dated 9/5/03. However such arguments are not persuasive because claims 48-75 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1 claims 48-54 and 78 requires a second insulating film covering the second electrode;

Species 2, claims 55-61 does not require a second semiconductor layer nor a second electrode with overlapping structures;

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Species 3, claims 62-68 requires a gate wiring connected to a gate electrode;

Species 4, claim 69-75 requires a gate electrode overlapping the first semiconductor film.

Consequently, the Examiner's restriction requirement is made FINAL.

***Allowable Subject Matter***

Claims 17-24 and 76-77 are allowed.

The following is an examiner's statement of reasons for allowance:

In reference to claims 17, Nakazawa teaches a device comprising:

A first semiconductor layer and a second semiconductor layer on an insulating substrate (Fig.7A-E(107 and 108a));

A first insulating film on the first semiconductor layer and on the second semiconductor layer (Fig.7A-7E (109))

A first electrode on the first insulating film, overlapping the second semiconductor layer (Fig.6E (114 and 115))

A source wiring on the first insulating film (Fig.13 (253-256));

A second insulating film covering the first electrode and source wiring (Fig.13 (252,261-262));

A gate wiring adjacent to the second insulating film, connected to the first electrode (Fig.13 (249-250));

A connection electrode on the second insulating film, connected to the source wiring and the first semiconductor layer (Fig.13 (260) and

A pixel electrode on the second insulating film, connected to the first semiconductor layer (Fig.13 (263));

Wherein at least one end of the pixel electrode (263) overlays the source wiring (253 or 256) with the second insulating film (252,261-262) interposed therebetween ( Fig.13).

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However, Nakazawa et al fails to teach nor suggest that the gate wiring is over the second insulating film as amended claim 17 recites. The gate wiring (249 and 250) are formed beneath interlayer dielectric layers (252, 261 and 262) which qualify as the second insulating film recited in claim 17. The gate wirings 249 and 250 are formed from the same material as the gate electrode and are connected thereto. Therefore there is no suggestion to modify the gate wirings to be formed over the second insulating layer, since second insulating layers are formed to encapsulate the underlying gate electrode, in combination with the above-recited structural elements. Consequently, claims 17-24 and 76-77 are deemed to be allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

This application is in condition for allowance except for the following formal matters:

Applicant has non-elected claims 48-75 and 79 still pending.

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Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M Schillinger whose telephone number is (703) 308-6425. The examiner can normally be reached on M-T, R-F 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W Whitehead, Jr. can be reached on (703) 308-4940. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

LMS

November 13, 2003

  
CARL WHITEHEAD, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800